

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

Case # 17-CR-28-FPG

v.

ORDER

JESSE LEWIS,

Defendant.

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In a letter filed April 16, 2021, Defendant Jesse Lewis raises several concerns with the Court. ECF No. 526. This Order addresses those concerns.

First, Defendant suggests that the Court has a bias against him, allegedly because of the Court's "working relationship" with the government and Defendant's former counsel, as well as the Court's previous "opinions" and "tunnel vision." *Id.* at 1. Defendant asks for a change of venue "for these next proceedings." *Id.* As an initial matter, because this is a closed criminal case with no pending motions, there are no "proceedings" that could be transferred. To the extent Defendant is requesting that the Court recuse itself, it declines to do so. This is not a case where the Court's "partiality might reasonably be questioned" or where the Court has "a personal bias or prejudice concerning a party." *Balkany v. United States*, 751 F. App'x 104, 107 (2d Cir. 2018) (summary order).

Second, Defendant again requests the appointment of counsel. As the Court has previously stated, it will consider that request if and when Defendant files a § 2255 petition. *See* ECF No. 485 at 3-4; ECF No. 525 at 4.

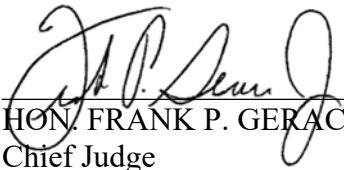
Third, Defendant indicates that his former counsel failed to transfer the case file to him. The Court is skeptical that it has jurisdiction to grant such relief. *See United States v. Woods*, No. 15-3304, 2016 WL 3457754, at \*2-3 (10th Cir. June 21, 2016) (questioning whether, in a closed criminal case, district court had jurisdiction to compel defendant's former counsel to turn over case

file so that defendant could prepare § 2255 petition); *United States v. Schumacher*, No. 20-1626, 2021 WL 1784349, at \*1 (8th Cir. May 5, 2021) (same). Unless Defendant can articulate a legal basis for his request, the Court will not consider it.

In short, the Court will not order any relief based on Defendant's letter.

IT IS SO ORDERED.

Dated: May 13, 2021  
Rochester, New York



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HON. FRANK P. GERACI, JR.  
Chief Judge  
United States District Court